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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Second periodic reports of States parties*

The Netherlands**

(Netherlands Antilles)

* For the initial report submitted by the Government of the Kingdom of the Netherlands, see CEDAW/C/NET/1, CEDAW/C/NET/1/Add.1, CEDAW/C/NET/1/Add.2 and CEDAW/C/NET/1/Add.3; for its consideration by the Committee, see CEDAW/C/SR.239, and *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38* (A/49/38) paras. 245-317

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CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN; SECOND SUPPLEMENTARY REPORT OF THE NETHERLANDS ANTILLES

DECEMBER 1997

Part One

Summary

I. INTRODUCTION

This second report of the Netherlands Antilles on the implementation of the U.N. Convention on the Elimination of All Forms of Discrimination against Women relates to the period from 1993 to June 1997.

In order to guarantee the involvement of both the authorities (at central and island level) and the non-governmental organisations, there has been the greatest possible contact with the different sections of society during the coordination of this report. Nonetheless, organising the compilation of the report in the five island territories continues to be a serious problem and intensive efforts are being made to make improvements in this respect too. The designation of coordinators within the various country and island institutions has paid off to some extent. Owing to the continuing staffing and financial constraints to which the country and island territories are subject, it will always be necessary to adopt a fairly creative approach to these problems.

Under the welfare policy formulated in the "1997-2002 National Social Development and Welfare Policy" the authorities will continue their efforts to establish structural links between the main organisations at the various levels of cooperation; these links could then be used in the preparation of the periodic reports both in general and for the CEDAW in particular.

The present report tries to provide a better understanding of the policy and institutional developments which are contributing to an increasing awareness of women's and gender-related matters. With reference to the remarks of your Committee during the consideration of the first Kingdom report, it is worth noting that new developments are taking place in respect of the outdated legislation and regulations. In this respect, reference should be made to Part III, "Remaining Obstacles".

II. DEVELOPMENTS

A. Information updates on women's rights in the Antilles

One of the aims of government policy is to remedy the disadvantaged position of women in Antillean society and to increase their participation in the development process. In the past 20 years, this process has evolved at a tremendous rate on the periphery of general government policy. Although attempts have been made in the past to move women's rights into the mainstream of policy - i.e. to incorporate it as an element of ordinary policy - it has to be recognised that these have not yet been entirely successful. The mainstreaming of the issue of "women and development" is therefore one of the principal tasks on which the Department of Welfare, Family and Humanitarian Affairs will concentrate in the period ahead. This will be done mainly by means of the reactivation of the Interdepartmental Advisory Group and the establishment of a regular structure of consultation at both civil service and ministerial level. Institutionalised consultation between the Minister of Welfare, Family and Humanitarian Affairs and the deputies of the island territories responsible for the issue of "women and development" will also be part of the new forms of cooperation. A consultation and communication structure will be formalised which involves the relevant non-governmental organisations more intensively.

The empowerment of women to make informed decisions and choices regarding the way in which they shape and implement their own existence and at the same time to put these decisions and choices into practice is one of the main aims of the women's rights policy of the Netherlands Antilles. The economic independence of women is seen as a crucial factor in achieving this empowerment. Women's ability to earn their own income is largely determined by their education and training. Work and training are therefore two important spearheads of the policy of the Netherlands Antilles on women's rights.

Despite the improvements which have been achieved in the general position of women in society over the past 20 years, it is unfortunately true that women still have insufficient information both about matters that affect their personal life and about general social issues. The provision of information to women is of crucial importance in making them more aware of their potential as people and as citizens. The provision of information on themes relevant to women, including legal literacy, will be arranged as far as possible in conjunction with the island territories and the NGOs.

The situation of families in the Netherlands Antilles increasingly requires preventive action on the part of the authorities. Women are still the linchpin of family law on our islands. They play a dual role as breadwinner and carer in

over 40% of the households. The heavy burden placed on them by the combination of paid and unpaid work takes its toll in that they have less time to devote to the upbringing of their children. Some of the consequences are that children may drop out of school or become involved in crime.

The women's rights policy of the Antillean authorities will therefore continue to concentrate on supporting women in the performance of their productive duties. The main elements of this policy will be the provision of child care facilities, support with upbringing and promotion of flexible working conditions.

B. Major policy and programme developments

By participating in the World Human Rights Conference in Vienna, the World Population and Development Conference, the Social Summit and the Fourth UN World Women's Conference, the Netherlands Antilles government has undertaken to implement among other things the Platform for Action agreed at the last of these conferences. The final document of the conference in Beijing will have to be implemented in the Netherlands Antilles, subject to the priorities determined both at the national and subregional level and at the regional and international level. At the international level the UN Commission on the Status of Women (CSW) is responsible for monitoring the implementation of the Platform for Action. In this connection the CSW selects each year a number of the critical areas of concern in the Platform of Action as priorities.

The priorities chosen for 1996 are:

- girls
- poverty
- media

The priorities chosen for 1997 are:

- education
- economy
- decision-making
- the environment.

As regards priorities at regional level, the CSW priorities were adopted in their entirety during the 22nd board meeting of the Regional Conference on the Integration of Women in the Economic and Social Development of Latin America and the Caribbean, which was held in Santiago, Chile. Previously, in October 1995, the Caribbean sub-region had adopted the following priorities for the next two years:

- poverty/economy
- health
- violence against women
- decision-making
- institutional mechanisms.

C. Netherlands Antilles priorities

On the basis of its own national needs and also of the international, regional and subregional priorities, the Netherlands Antilles has chosen the following priorities for the next two years:

- poverty/economy
- education
- health
- violence against women
- decision-making
- institutional mechanisms.

D. Project proposals

Poverty/economy

- Outlining a training and labour market programme for young, single mothers.
- Alternative credit facilities for women wishing to start their own business.
- Programmes to support women in raising their children.
- A project to encourage the establishment of "micro" businesses, in order to enable women to switch from the informal to the formal sector of the economy.
- Initiating legislation to make employment more flexible by means of a scheme for part-time work and flexible working hours;
- Expanding the number of places in (professionally run) child care facilities.

Education

- Analysis of the teaching materials used in teacher training courses and at

schools to determine how much attention is paid to women's issues.
- Survey of the traditional choice of school subjects by girls.
- Identifying and ending the present disadvantages and obstacles that prevent women from participating in education and training activities in the context of adult education.

Health

- A national survey of the health of women in the Netherlands Antilles.
- A project to prevent sexually transmitted diseases, particularly HIV/AIDS.
- A national information campaign specifically targeted at women as part of the "health promotion" campaign.
- A national information campaign to encourage both men and women to show greater responsibility in their sexual and reproductive behaviour.

Violence against women

- An information programme to counter sexual harassment at work.
- A reception centre for victims of violence.
- A national survey of violence against women in the Netherlands Antilles.

Decision-making

- Drafting a curriculum for leadership training for women.

Institutional mechanisms

- Gender training for policy-makers at civil service and ministerial level.

E. Phasing of the projects

Short term

- Gender training for policy-makers at civil service and ministerial level.
- Drafting of a curriculum for leadership training for women.
- Outlining a training and labour market programme for young, single mothers.
- A national information campaign to encourage both men and women to show greater responsibility in their sexual and reproductive behaviour.
- A national information campaign specifically targeted at women as part of the "health promotion" campaign.
- Programmes to support women in raising their children.

Medium term

- Alternative credit facilities for women wishing to start their own business.
- Expanding the number of places in (professionally run) child care facilities.
- Identifying and ending the present disadvantages and obstacles that prevent women from participating in education and training activities in the context of adult education.
- A project to prevent sexually transmitted diseases, particularly HIV/AIDS.
- A reception centre for victims of violence.
- An information programme to counter sexual harassment at work.

Long term

- A project to encourage the establishment of "micro" businesses, in order to enable women to switch from the informal to the formal sector of the economy.
- Initiating legislation to make employment more flexible by means of a scheme for part-time work and flexible working hours.
- Analysis of the teaching materials used in teacher training courses and at schools to determine how much attention is paid to women's issues.
- A national survey of the health of women in the Netherlands Antilles.
- A national survey of violence against women in the Netherlands Antilles.

III. REMAINING OBSTACLES

One of the main obstacles facing the Netherlands Antilles is a backlog of legislation for the implementation of the conventions. Furthermore, there is still some rather outdated material on the statute book. The outdated nature of the Civil Code (BWNA) is of particular relevance to the CEDAW. Not only do the provisions on patrimonial and property law need updating, but family law and the law of persons suffer from the same problem, although the legislature has admittedly been more active in the latter fields in the past.

In the last 15 years, the human rights conventions have had a major impact on family law and the law of persons. Reference may be made in particular to Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights. As far as the Convention is concerned, the judgments of the European Court of Human Rights in Strasbourg are binding on the Contracting Parties, which include the Kingdom of the Netherlands, and hence on the Netherlands Antilles too.

The need for renewal of the civil law, including family law and the law of persons, has been recognised for some considerable time in the Netherlands Antilles. This is apparent from the establishment of a Civil and Commercial Law Commission by a Country Ordinance of 7 March 1983. A conference was also held on this subject matter, on the initiative of the chairman of this Commission, at the University of the Netherlands Antilles on 7 August 1985. The grounds for divorce were considered at a conference on "Marriage and Divorce" organised by the Antillean Lawyers' Association in November 1997. A new Commission on the Civil Code was instituted in 1993 (Official Bulletin of Acts, Orders and Decrees of the Netherlands Antilles 1993, 62).

The project entitled "New Civil Code of the Netherlands Antilles" is for the most part of a detailed and technical nature. The aim of the project is to codify a century of case law in order to promote legal certainty. However, this will largely be a matter for the legal practitioners (judges, attorneys-at-law, notaries, in-house counsel and bailiffs). The legislature in the Netherlands Antilles has the advantage of being able to learn from the experience gained in the Netherlands and also in the local region, which thereby enables it to make various modifications.

The following account will, however, concentrate on the proposals for amendments which affect citizens in the realm of family law and the law of persons and which are also of importance to the implementation of CEDAW.

The main proposals for amendments are:

(a) To lower the age of majority to 18 years, although the obligation of parents to maintain their children until the age of 21 will be retained.

(b) To revise divorce law

The situation at present is that divorce is not possible if either spouse refuses to cooperate. This means that couples separate, enter into a different relationship and have children with a different partner, and all the time the first marriage is still in existence.

It is proposed that irretrievable breakdown of marriage should be introduced as a ground for divorce. The idea is that the law should not be unduly out of synch with changing social attitudes. The legislature must be aware of its limitations. It may be able to sweep away obstacles to people's happiness, but it can do little if anything of a positive nature to promote happiness.

It should also be borne in mind that it is extremely difficult, if not impossible, for other people, including a judge, to form an opinion about any misbehaviour by a spouse and the "blame" attached to this. In an intimate relationship such as marriage it is often a subtle process of action and reaction which leads to the breakdown of the relationship.

In addition, a system based on blame is undesirable because it provokes mutual accusations and recriminations and results in a hardening of the parties' attitudes towards each other. This is also harmful to their children.

(c) Limitation of maintenance payable by spouse

It is proposed that the maintenance payable by a spouse should be limited in principle to a maximum of 12 years. The court should, however, have the power to extend the maintenance if it would be unreasonable or unfair to terminate it.

This arrangement will in principle not apply to divorces predating the entry into effect of the new law.

(d) Maintenance after breakdown of a "common law" marriage

It is proposed that the court should have the power to award maintenance after the breakdown of a "common law" marriage (a common form of cohabitation in the Netherlands Antilles), if this would be reasonable in the circumstances. The court may take account of all the circumstances of the case, for example the length of time the parties have cohabited, the division of responsibilities between them, the age and health of the former partner needing maintenance, and the age of any children.

(e) Equality of husband and wife

The present Civil Code of the Netherlands Antilles contains various provisions in which the wife is put in a position inferior to that of the husband on grounds that would nowadays be deemed unjust. For

example, it is provided that where there is a difference of opinion about the upbringing of the children, the will of the husband is decisive. It is proposed that these inequalities should be abolished.

(f) Measures to prevent marriages of convenience
It is proposed that the registrar of births, deaths and marriages should have the power to refuse to register a notice of intention to marry if he or she believes that the marriage would be contrary to public policy. This would cover both marriages of convenience and acknowledgements of such marriages contracted abroad. Appeal against a refusal would lie to the courts.

In addition, if a prospective spouse does not possess Netherlands nationality, a certificate issued by the Aliens Department would be necessary in order to be able to register a notice of intention to marry, unless the parties can prove they are both resident abroad. The public prosecutor would also be empowered to apply for a marriage of convenience to be annulled. The prosecutor has always had this power in relation to acknowledgements of marriages of convenience contracted abroad.

(g) Marriages contracted by tourists
It is proposed that it should be made easier for tourists to marry in the Netherlands Antilles. At present there is a residence requirement. The idea is that this requirement should be dropped. There is a need for this in practice - the tourist industry has pressed strongly for such an amendment.

(h) Paternity and surname law will remain unchanged for the time being. These are extremely sensitive and controversial subjects involving deep-rooted moral and religious convictions. Furthermore, the interests of the people involved no longer run in parallel. It would therefore be preferable to deal with these topics separately from the new Civil Code project for the Netherlands Antilles.

ARTICLES 2-4

The Women's Affairs and Humanitarian Issues Section was originally charged with coordinating women's rights policy in the Netherlands Antilles. The section was abolished on 1 October 1995, when responsibility for coordinating women's rights policy was transferred to the newly established Department of Welfare, Family and Humanitarian Affairs (DWGHZ). DWGHZ is continuing the policy pursued by the Women's Affairs and Humanitarian Issues Section, namely to ban discrimination against women and to increase their participation in the process of development in the Netherlands-Antilles. However, DWGHZ has a wider remit than its predecessor, since the family, old people and

immigrants are important aspects of its general work in addition to women's rights. The women's rights policy pursued by DWGHZ puts great emphasis on the provision of support for women in combining their duties as wage-earners and mothers, and in particular on the quality of the services provided. In this connection, the Department recently granted a subsidy to SIFMA, an organisation which performs pioneering work in the Netherlands Antilles in promoting the development of expertise and methods for pre-school education.

DWGHZ also has a specific function in relation to the social welfare legislation. Terms of reference have now been drawn up for the establishment of a project team to draft a social welfare framework ordinance for the Netherlands Antilles. This framework ordinance is important not only to provide a statutory basis for the entitlement of Antillean citizens to welfare provisions but also to implement various rights to welfare and social development which result from obligations under the international human rights conventions.

The efforts to introduce effective national machinery in the Netherlands Antilles were coordinated by the former Women's Affairs and Humanitarian Issues Section. Various talks were held for this purpose with the five island territories both at government and at civil service level and the non-governmental sector. Moreover, an inter-island seminar on national machinery structuring in the Netherlands Antilles was held in August 1994. At the island level, a Women's Affairs Section was established in Curaçao in August on 1 July 1995.

Since its establishment, DWGHZ has continued the efforts to introduce structured cooperation and an exchange of ideas with the island territories on the subject of women's rights. As far as the cooperation and coordination with people and organisations in the field is concerned, DWGHZ is currently engaged in formalising its working relationship with SEDA, the Netherlands-Antilles focal point of Women & Development NGOs, by agreeing a cooperation protocol.

At departmental level, the Minister of Welfare of Welfare, Family and Humanitarian Affairs has set up an interdepartmental advisory committee on welfare, family and humanitarian affairs. This committee replaces the interdepartmental committee on women and development and has wider terms of reference. The function of the new advisory committee is to advise the Government of the Netherlands Antilles, through the intermediary of the Minister of Welfare of Welfare, Family and Humanitarian Affairs, on all aspects of the social welfare, social development and prevention policy to be pursued in the Netherlands Antilles. The committee will consist of five sub-groups with special functions, including one dealing with issues of gender.

To support national policy on women's rights, the Netherlands Antilles

entered into a cooperation agreement on gender policy with Surinam and Aruba in May 1996. This tripartite cooperation comprises:

- organising gender training to increase gender awareness at all levels of the population, including government;
- initiating and supporting the development of expertise in matters of gender and development;
- encouraging training by providing special programmes for women at national level, for example vocational training for women;
- exchanging know-how and information on ways of combating poverty among women;
- achieving a coordinated approach to joint measures to combat violence against women and establish victim support and assistance;
- supporting cultural and sporting activities of women and promoting an exchange between the three countries in this field;
- formulating a clear position on the action programmes for women, namely the Regional Programme of Action for the Women of Latin America and the Caribbean, 1995-2001 and the Beijing Platform for Action;
- initiating and encouraging research into as many aspects of gender policy as possible;
- supporting programmes of an international nature in close cooperation with other countries, with the UN/ECLAC head office in Santiago, Chile, and the sub-regional office in Port of Spain and with other relevant international organisations.

As regards the elaboration of policy in specific areas, reference should be made to the other treaty provisions.

ARTICLE 5

A National Committee for the International Year of the Family was established for the Netherlands Antilles on 26 January 1994 in conjunction with the UN's International Year of the Family. The Committee's terms of reference were as follows:

1. to prepare a report for the government of the Netherlands Antilles containing the national proposals for family policy, together with a policy plan and other measures to support and strengthen the family, and to present this report to the Government at the end of the International Year of the Family.
2. to promote and coordinate inter-island cooperation as part of the International Year of the Family;
3. to promote inter-island cooperation and exchange in this field between the Netherlands Antilles and members of the United Nations.

The Committee presented its final report to the Minister of Welfare of Welfare, Family and Humanitarian Affairs in mid-1995. The discussion

document entitled 'Family in the Netherlands Antilles' takes stock of the existing provisions for the support of families in the Netherlands Antilles in the fields of education, culture and 'socialisation', of health care and of social care and law. It also identifies the existing problems and proposes possible solutions. In the course of its work the Committee conducted a survey on the northern Netherlands Antilles in February 1995 to ascertain the position of families on the three islands concerned (St. Martin, Saba and St. Eustatius). The results of this survey will serve as building blocks for the family policy to be formulated by DWGHZ.

A seminar on "Gender awareness and the image of women in the media" was held as part of the tripartite cooperation between the Netherlands Antilles, Aruba and Surinam on gender training. The aim of the seminar was to make concrete policy recommendations for ensuring that a realistic image of women is given in the media. The reasoning was that this would in turn help to bring about a change of attitude among men and women. The seminar was followed by training courses on women and their identity in politics, national machinery and vocational training for women. Those taking part were politicians, public servants and people from the private sector.

ARTICLE 6

Measures and legislation to fight all forms of trafficking in women

It has to be admitted that the legislation of the Netherlands Antilles does not, generally speaking, provide an adequate basis for combating trafficking in women. For example, the legislation pays insufficient attention to the crime of trafficking in women. Article 260 of the Criminal Code currently provides that trafficking in women and minors of the male sex is an offence. According to the explanatory notes, trafficking in women means all acts that are directly intended to make women dependent on others who wish to have the women in their power in order to use them for sexual acts with third parties. Legally speaking, prostitutes are not excluded from this definition. The notes on the legislation do not specify whether other forms of trafficking in women are covered, for example putting women (who are already engaged in prostitution) into a position in which they are dependent on another person, for example a pimp. If trafficking in women serves a purpose other than that described in the explanatory notes (for example to obtain living-in domestic servants), it follows that under the present definition this would not constitute "trafficking" in women and would not therefore be a criminal offence.

The law also leaves open the question of who may be held guilty of the offence of trafficking in women. For example, the person who coerces women to board the means of transport, the person who transports them from one place to another, the person who gives the orders for the trafficking, the person for whom the women are intended or the person who employs the women as

prostitutes, domestic servants etc.? The notes do not explain which of these acts qualifies as an act directly intended to bring about this situation. This is why the police and the public prosecutions department tend to be reluctant to act in such cases. Nor are there any guidelines for the investigating officials as to how to interpret this article.

Another matter which is unclear in the law as it stands is whether the term woman must be understood to include minor girls within the meaning of this article of the Code. The article does provide that trafficking in minors of the male sex is covered. It follows that there is scope for interpretation as to whether or not a minor of the female sex enjoys the protection of the law.

The crime carries a maximum penalty of five years' imprisonment, and suspects may be remanded in custody pending trial.

However, the combination of Title XVIII of the Criminal Code of the Netherlands Antilles and the Civil Code (articles 368a-40, 432-70), regarding crimes against personal liberty including slave trading, abduction, kidnapping, and the removal of minors from the control of their parents, guardians etc., does provide ways of combating trafficking in women in the Netherlands Antilles.

Prostitution and youth prostitution

The world's "oldest profession" has traditionally been present in our community too. Little is done in the law of the Netherlands Antilles to make prostitution a criminal offence.

However, sexual intercourse with minors under the age of fifteen years is an offence (article 253 of the Criminal Code of the Netherlands Antilles), regardless of whether or not the minor concerned is a prostitute.

No survey of youth prostitution has yet been carried out. However, there are certain types of behaviour and acts among schoolchildren that are raising questions in the community that need to be answered. It will be necessary for this purpose to investigate whether there is youth prostitution or licentious sexual behaviour among a number of young people.

The police's juvenile and vice squads do, however, have evidence that child pornography is present in the community to some extent. Since this development is causing the authorities great concern, an investigation has now been instituted by the police department (KZP) concerned. KZP also has evidence that girls who have run away from home are being given shelter in a number of places, where they are then encouraged to engage in prostitution.

It should be noted that the prevailing social attitude towards prostitution is one

of acceptance. People tend to see it as a way of earning one's livelihood and as a necessary way of gratifying men's sexual needs. As such, it is viewed as an integral part of society. Generally, people are tolerant of prostitution as long as it remains within the bounds of what is considered socially acceptable.

A woman who has sexual intercourse with men for money is not liable to punishment by law. However, a woman who loiters on or near the public highway and, by her actions, attracts the attention of men for the manifest purpose of having sexual intercourse does commit an offence, namely soliciting. Likewise, procuring a woman to have sexual intercourse with third parties or providing an opportunity for engaging in prostitution is also a criminal offence, namely running a brothel. However, this provision should be seen as being necessary for the maintenance of public order.

There are also rules of a public health nature, namely to combat venereal diseases. The aim of these rules to keep track of the possible sources of sexually transmittable diseases and monitor the sexual behaviour of the population.

It follows that prostitution itself is not illegal, although some behaviour and/or acts connected with it may be punishable.

Is there legislation governing child prostitution?

No legislation on child prostitution exists in the Netherlands Antilles. However, it is an offence under the law of the Netherlands Antilles to perform or be involved in acts entailing sexual intercourse or indecency with children. These articles are sometimes used to fill the gap regarding child prostitution which exists in the law. As the aim of the legislator in drafting these laws was to protect minors from sexual abuse, minors who do not belong to the relevant age group fall outside the protection afforded by the law.

The laws on prostitution, such as they are, are not enforced with great vigour. Owing to the lack of any clear provisions, the police and public prosecutions department tend to be reluctant to act in prostitution cases. As a result, it does not have a high priority in the efforts of the criminal justice authorities to tackle crime. Although there are signs that prostitution and trafficking in women are often an integral part of drug trafficking and other crime, little if any attention is paid to them.

As people tend to think that prostitution is committed only by women, little consideration is given to male prostitution. Priority is instead given to what are termed the "more serious" offences, to which prostitution and trafficking in women are not yet regarded as belonging. However, raids are regularly mounted for the purpose of enforcing the Netherlands Antilles Entry and Deportation Act. Generally, these involve rounding up illegal aliens, often

foreign women. If they admit to having had sexual intercourse with men for money while on the island, the police enter their particulars in a register under the terms of the Measures to Prevent Contagious Diseases Ordinance and then deport them from the country. There is no investigation to discover whether the women in question have been brought or tricked into coming to the Netherlands Antilles against their will in order to engage in prostitution. However, men are not subjected to the same procedure. It should be noted in this connection that the Netherlands Antilles Entry and Deportation Ordinance has now been amended in such a way that it has become a criminal offence (carrying 3 months' detention or a maximum fine of ANG 100,000) to take a person into one's employ if such person would thereby act in breach of the Act.

Is the selling of sexual services by a third person illegal? Is it illegal to sell women to other countries for the purpose of prostitution? If so, how are these laws observes and enforced?

Under the criminal law of the Netherlands Antilles, a person commits a criminal offence if "He makes a profession or habit of intentionally inducing or promoting sexual intercourse by others with third parties". This offence carries a penalty of not more than one year's imprisonment or a fine not exceeding one thousand Netherlands Antilles guilders. The provisions of article 260 of the Criminal Code, in which trafficking in women is mentioned, can be used to combat the sale of women to other countries. There is no specific legislation or other rules on this subject. As mentioned previously, tackling this form of crime does not have a high priority.

The efforts to curb prostitution and trafficking in women come up against the following obstacles:

1) inadequate legislation or rules governing these specific forms of crime;
2) no high policy priority;
3) society's considerable tolerance of prostitution.

Research into violence against women and policy

In June 1995 the 'Sentro pa Desaroyo di Hende Muhe' (SEDA) presented the results of a target group and needs survey held in the period of March to June 1994 as part of a project for the provision of emergency reception facilities for battered women. The survey involved the collection of data from various social work institutions in Curaçao on the number of victims of violence in 1993 and 1994. At the same time, data were gathered on the socioeconomic conditions of the victims. The results of the survey were subsequently used to draft a project file for an emergency reception centre for battered women. In the course of 1995 talks regarding the establishment were held by the Women's Affairs and Humanitarian Issues Section with SEDA and a regional expert in order to establish and operate such a centre. The relevant project file

is currently being considered by the Curaçao island community for the handling of the financing procedure.

A pilot project to determine the incidence and consequences of sexual harassment in central government was carried out by Dr Mary van Soest, a government medical officer, in August 1994. The final survey was conducted in September 1995. The aim of the survey was to acquire an understanding of:

1. the extent and nature of sexual harassment of female employees in Curaçao in the service of the central authorities of the Netherlands Antilles;
2. factors which can increase the likelihood of sexual harassment;
3. the consequences for the respondents, offenders and the organisation in which they operate;
4. the present way in which sexual harassment is tackled.

The results of the survey were presented in May 1996. One of the findings was that 62% of the respondents had been confronted with sexual harassment in their present place of work. Only 15% of them knew that what they had endured constituted sexual harassment. The effect of sexual harassment on the victim was generally manifested in the form of sick leave, suspension from duty, obstacles to promotion and transfers. No consequences were mentioned for the offenders. Hardly any employers had a policy on sexual harassment.

The Van Soest report also makes recommendations about dealing with sexual harassment at work:

- the measures to prevent and combat sexual harassment at work should be taken primarily within the organisation concerned;
- if the prevailing organisational culture is conducive to sexual harassment, it should be changed by the adoption of a social policy;
- clear guidelines about how to tackle sexual harassment in the workplace should be given for the management of organisations;
- complaints procedures must be prepared for those cases in which it is desired to file a formal complaint;
- the trade unions should get involved in fighting sexual harassment;
- more extensive research is needed into the nature and scope of sexual harassment at work.

The Central Personnel Affairs Office (CBPZ) of the central government published a brochure on sexual harassment in early 1995 as part of the efforts to stamp it out in the workplace. The brochure provides guidelines for government personnel and briefly describes the background to the problem and the consequences of sexual harassment at work. In addition, it gives instructions about the action to be taken in cases where sexual harassment does occur. A confidential counsellor has also been appointed within CBPZ to handle complaints of sexual harassment at work.

ARTICLE 7

Table 1 below shows the extent to which women are involved in politics in the Netherlands Antilles. Tables 2-6 contain data restricted to Curaçao, the largest of the islands, since no data are yet available for the other four island territories.

TABLE 1

Number of women actively involved in politics at national and island level (1994-1997)

Centrale government	Women	Men	Percentage
Parliament	6	16	27,3%
Ministers	3	7	33,3%
Curaçao Island Territory			
Island Council	6	15	28,6%
Executive Council	2	5	28,6%
St.Maarten Island Territory			
Island Council	3	8	27,3%
Executive Committee	1	5	16,7%
St. Eustatius Island Territory			
Island Council	2	3	40%
Executive Committee	1	1	50%
Saba Island Territory			
Island Council	1	4	20%
Executive Committee	1	1	50%
Bonaire Island Territory			
Island Council	0	9	0%
Executive Committee	0	3	0%

Source: Survey conducted by the University of the Netherlands Antilles

TABLE 2

Average number of votes cast for women (W) and men (M) candidates of the 4 political parties during the 1982-1990 period in Curaçao.

	DP	MAN	NVP	FOL
1982 Votes per W	58	129	2694	8
Votes per M	191	179	395	27
1983 Votes per W	50	174	8601	7
Votes per M	165	81	224	60
1985 Votes per W	58	53	10127	45
Votes per M	168	97	446	84
1987 Votes per W	75	286	7163	57
Votes per M	204	105	176	47
1990 Votes per W	47	223	12698	213
Votes per M	147	93	339	362

Source: Survey conducted by the University of the Netherlands Antilles

TABLE 3

Average number of votes cast for women and men candidates of the 7 political parties during the 1995 elections in Curaçao.

In 1995	PAR	N.PATR	DP	FOL	MAN	PNP	SI
Votes for women	2134	48	555	62	2293	1684	185
Votes for men	7051	460	2151	917	6973	3608	678
Number of women on the list	6	2	8	2	7	7	7
Number of men on the list	23	12	21	20	22	22	22
Women as % of total	20.7	14.3	27.6	9.1	24.1	24.1	24.1
Average number of votes per woman	356	24	69	31	328	241	26
Average number of votes per man	307	38	102	46	317	164	31

Source: Survey conducted by the University of the Netherlands Antilles.

TABLE 4

Exercise by women of the right to stand for election

1982-1990	10% of women exercise the right to stand for election
1991	17% of women exercise the right to stand for election
1995	20% of women exercise the right to stand for election

Source: Survey conducted by the University of the Netherlands Antilles.

TABLE 5

Number of women put on the election lists of the political parties in a position where they have a realistic prospect of being elected

1982-1990	30% of such positions taken by women
1991	24% of such positions taken by women (5 parties)
1995	20% of such positions taken by women (7 parties)

Source: Survey conducted by the University of the Netherlands Antilles

TABLE 6

Survey of 1995 island council elections in Curaçao

A	B	C	D	E	F	G	H
PAR	29	24808	14895	2134	7051	6	3
N. Patria	14	1619	1111	48	460	2	1
DP	29	5006	2300	555	2151	8	1
FOL	22	6822	5843	62	917	2	1
MAN	29	19774	10508	2293	6973	7	3
PNP	29	11903	6611	1684	3608	7	3
SI	29	1773	910	185	678	7	1
TOTAL	181	71705	42178	6961	21838	39	13

Source: Survey conducted by the University of the Netherlands Antilles

A = political party
B = number of candidates
C = number of votes obtained
D = number of votes cast for party leader
E = number of votes cast for women (less votes for party leader)
F = number of votes cast for men (less votes for party leader)
G = number of women on the list
H = number of women on the list with a realistic prospect of being elected

The central government has a number of senior grades (grade 13 and over), many of which involve management. The ratio of men to women in these jobs is 143 to 23, although the ratio of men to women in the civil service as whole is 3255 to 2086. By contrast, women constitute the majority of the staff of educational establishments.

ARTICLE 8

See previous report.

ARTICLE 9

It should be said at the outset that nationality is a matter for the Kingdom of the Netherlands under article 3 of the Charter for the Kingdom of the Netherlands. It follows that there is concordance on this subject among the three countries that constitute the Kingdom. The available historic documentation (parliamentary documents) shows that when the Netherlands Citizenship and Residence in the Netherlands Act was introduced in 1892, there were calls for women to be given the same rights as men in terms of nationality. However, the arguments put forward for having a wife take the nationality of the husband during marriage and in the event of naturalisation of the husband met with no success at that time.

The above-mentioned Act was amended by Kingdom Act of 14 November 1967 in which the first concrete measures were taken to treat the sexes equally. At that juncture it became possible, partly owing to international sociopolitical developments and also to national policy considerations, for married women to have an independent position under nationality law.

When the present Netherlands Nationality Act of 1984 (for which a new bill is now under consideration) was debated in Parliament, the question of equal treatment of men and women was dealt with at length. Spurred by legislation on this subject in other countries (France, Germany, the United States and some South American countries) the Kingdom Government felt it necessary to follow this trend under international conventions. This trend was indeed one of the factors that led to the introduction of the Convention to Eliminate All Forms of Discrimination against Women (CEDAW), which achieved this equality by providing that a child takes the nationality of its mother. In addition, the provision of the present Kingdom Act takes the intended equality one step further by providing that both a woman and a man may take the Netherlands nationality of their spouse.

ARTICLE 10

Access to school

There is equal access to all types of school and equal opportunity to make use of educational facilities. However, when it comes to choosing a school few girls decide to take a technical subject. Girls are still over-represented in the non-technical types of school. There is a large preponderance of girls in general secondary schools, pre-university schools and schools that provide training for jobs in the services sector.

TABLE 7

Number of boys and girls in secondary education per type of school in the year 1994/1995 Curaçao.

	LTO	BVO	MAVO	HAVO/VWO
boys	1880	160	981	3021
girls	101	1560	1498	3159
total	1981	1720	2479	6180

Source: Department of Education, Curaçao

LTO = junior technical education
BVO = pre-vocational education
MAVO = junior general secondary education
HAVO/VWO = senior general secondary education/pre-university education

Educational level of working women

The educational level of both working men and working women was better in 1992 than in 1981. The percentage of the total working population with a primary education only background has dropped considerably (from 29.5% to 1.8%), and the percentage of those with a higher education has risen slightly (from 9.8% to 10.8%). The difference in the educational levels of men and women in work was not very great in 1992. The number of men with a higher education was 2% higher than the corresponding figure for women, but on the other hand there were rather fewer women with a primary education only.

TABLE 8

Relative breakdown of working population by educational level and sex

	1992			1981		
Educational level	men	women	total	men	women	total
primary school	19.0	16.2	17.8	31.2	26.4	29.5
lower secondary school (LBP/MAVO)	52.4	57.2	54.5	41.6	49.9	44.6
higher secondary school (HAVO/VWO/MBO)	15.8	15.8	15.8	17.3	14.1	16.1
higher education (higher professional education and university)	12.8	10.8	12.0	9.9	9.6	9.8
Total	100	100	100	100	100	100

Source: MODUS Statistical Magazine, volume 2, number 1

Examination of the census statistics shows that working women have a higher educational level than that of the female population as a whole. By contrast, the educational level of women who are heads of family is very low.

Table 9 below gives a breakdown by age group of the educational levels of men and women who have already left school. The educational level of the younger generations is higher than that of the older generations in the case of both men and women.

TABLE 9

Relative breakdown of non-schoolgoing population by educational level, age and sex

	Age groups					
Educational level	25-34	35-44	45-54	55-64	65+	Total
Men						
Primary	16.1	20.0	32.1	49.8	69.0	29.1
Lower secondary	58.6	50.3	41.1	31.6	22.7	49.2
Higher secondary	15.4	15.3	13.7	10.8	4.7	12.5
Higher education	10.0	14.4	13.1	7.8	3.5	9.3
Total	100	100	100	100	100	100
Women						
Primary	11.5	23.5	45.6	66.7	83.5	35.2
Lower secondary	64.4	55.5	41.2	24.7	12.8	48.7
Higher secondary	15.4	12.0	6.6	3.9	1.8	9.3
Higher education	8.6	9.1	6.5	4.6	2.0	6.3
Total	100	100	100	100	100	100

Source: MODUS Statistical Magazine, volume 2, number 1

The table below shows the percentage of men and women in the various occupational categories.

TABLE 10

Relative breakdown of population of working men and women by occupational category

	Men	Women
Senior government officials	0.7	0.2
Managers, directors, owners	9.3	3.8
Physicists, engineers, architects, IT engineers	2.2	0.3
Doctors, surgeons	1.2	1.4
Teachers	2.3	6.6
Accountants, lawyers, social scientists	2.5	2.2
Technical research assistants	4.6	1.3
Medical assistants	0.7	3.4
Assistant teachers	0.1	0.0
Estate agents, bookkeepers, police inspectors, public servants	5.8	6.0
Foremen and supervisors	4.2	1.4
Office clerks	6.5	20.1
Cashiers, receptionists, counter staff	1.7	8.5
Service providers (carers, hairdressers)	7.6	10.0
Shop staff	2.4	11.8
Farmers and fishermen	1.3	0.4
Building workers	10.9	0.1
Machine and electronics fitters	11.4	0.1
Craftsmen, printers	1.1	0.4
Food and wood processors, tailors	1.8	0.9
Plant operators	1.7	0.0
Machine operators	1.5	0.5
Drivers of vehicles	6.2	0.6
Unskilled	6.1	18.6
Helpers	0.2	0.0
Labourers	4.1	1.0
Total	100	100

Source: MODUS Statistical Magazine, volume 2, number 1

The figures also show that women are catching up in educational terms. Comparison of the educational level of the 25-34 age group with that of the older age groups shows that the relative proportion of women with a higher education has risen sharply (from 2% to 8%) and that it is now very close to that of men in the same age group (8.6% compared with 10%).

As far as the two lowest educational levels are concerned, women are slightly better off than men as they are more likely to have had a lower secondary education than simply a primary education.

TABLE 11

Relative breakdown of men and women with a higher educational qualification in the six highest occupational categories

	Men	Women
Senior government officials	2.8	0.7
Managers, directors, owners	26.8	10.1
Physicists, engineers, architects, IT engineers	11.3	1.4
Doctors, surgeons	7.6	7.4
Teachers	14.8	46.1
Accountants, lawyers, social scientists	12.6	12.7
Sub-total	75.9	78.4
Other occupations	24.7	21.6
Total	100	100

Source: MODUS Statistical Magazine, volume 2, number 1

It was noted previously that there are no major differences in the educational levels of working men and women. It follows that women are generally under-represented in the better jobs, despite the fact that they have almost the same educational level as men.

The figures in table 11 show that the proportion of highly educated women in the 6 highest occupational categories seems at first sight very favourable (78.4%) compared with the proportion of highly educated men (75.9%). However, if we examine the situation for each of these occupational categories individually, a different picture emerges. Almost half of the highly educated women (46.1%) are concentrated in the teaching profession, and the proportion in the other top five educational categories is much lower. Highly educated men are more likely to work as director/manager, expert, engineer, doctor/surgeon and in other highly ranked occupations.

The Minister of Education therefore stated in her policy paper of March 1995 entitled "Steps towards a Better Future" that economic, political, cultural and social life is relatively underdeveloped. This is why women have not had the opportunity to develop their capacities sufficiently. Educational policy is therefore directed at remedying this deficiency. The central feature of the policy paper is the introduction of a new type of education. The aim is to provide a general education over a period of about 10 years which will give every citizen of the Netherlands Antilles a good grounding for his or her future life. By adapting the syllabus to the local, social and cultural reality of the

Netherlands Antilles, the Minister hopes to ensure that education will have a greater appeal for the citizens of the country.

Women and sport

A conference on women and sport was held in September 1996 in which both national and island bodies (government and non-government alike) took part. Some of the workshops were chaired by a female member of the International Olympic Committee. The aim of the conference was to take stock of the present position regarding women's involvement in sport.

It transpired that, unlike the situation in the past, relatively few women are actively engaged in sport nowadays. Similarly, there are few women in technical posts although there are a good many in administrative positions. The table below shows the areas in which women are engaged in sport.

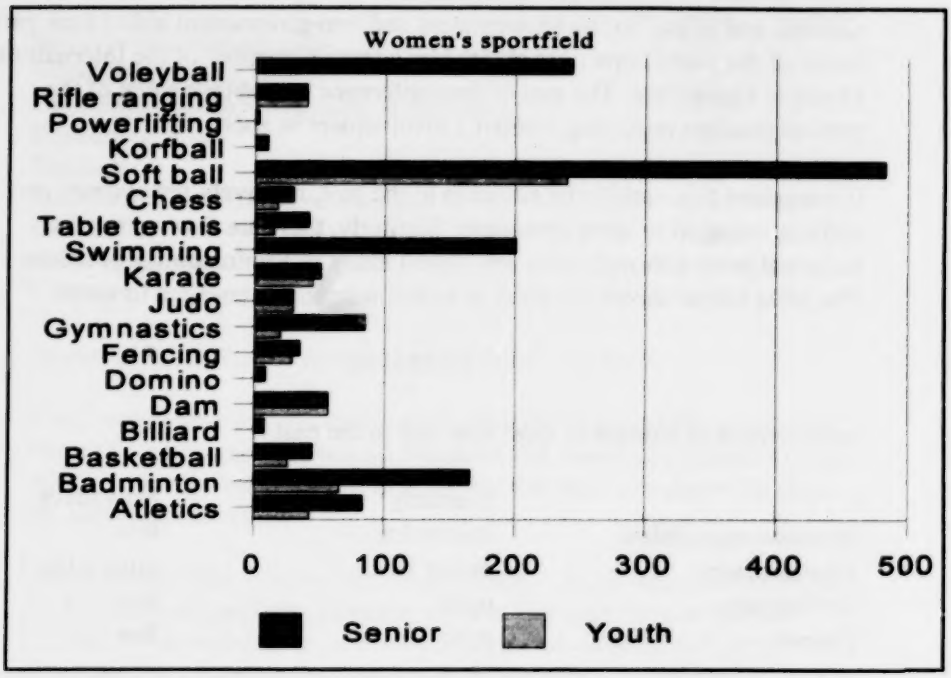
TABLE 12

Involvement of women in sport now and in the past

	Formerly	Nowadays
Sportswoman/athlete	quite a lot	few
Administrator	one or two	quite a lot
Technicians	none	few
Trainer	none	few

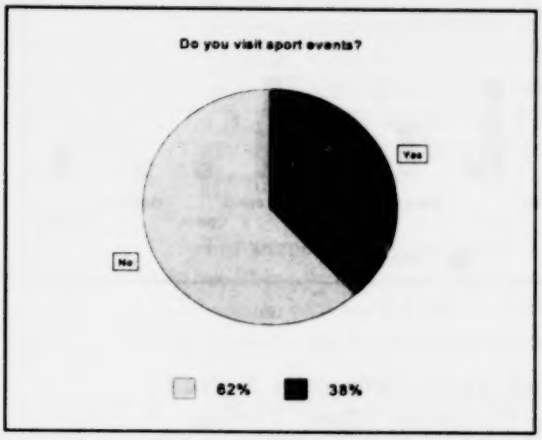
GRAPH 1

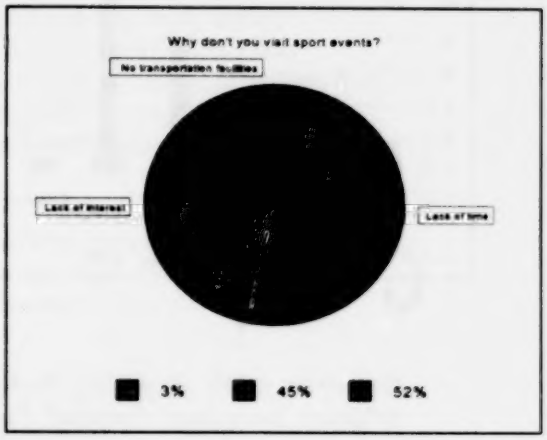
Women in sport

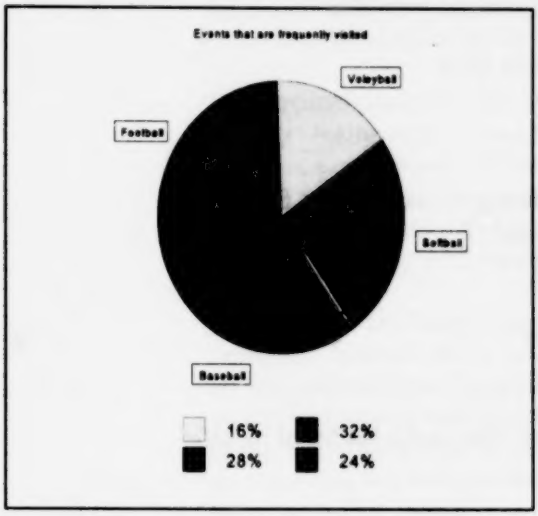


Source: 1996 Conference on Antillean women in sport

GRAPHS 2, 3 AND 4

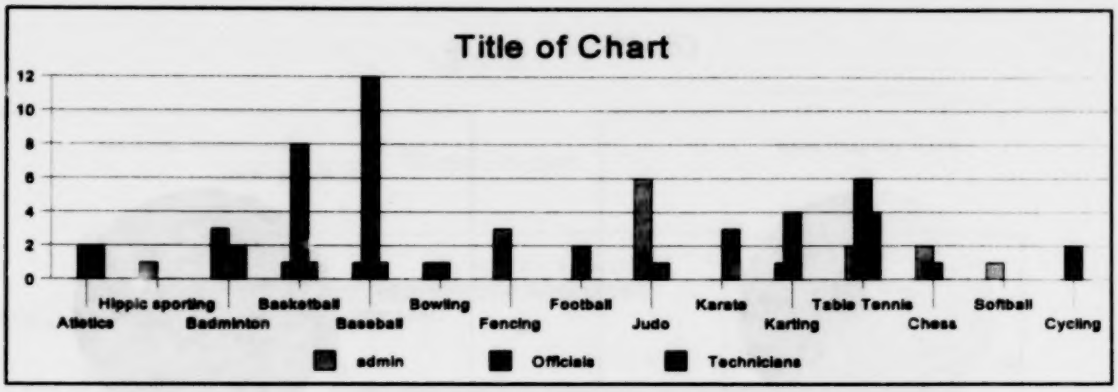






Source: 1996 Conference on Antillean women in sport

GRAPH 5



Equestrian sports Basketball Bowling Football Karate Table tennis Softball
Athletics Badminton Baseball Fencing Judo Go-karting Chess Cycling

Administrators Officials Technicians

Source: 1996 Conference on Antillean women in sport

The most common reasons given by women during the conference for not taking an executive post in the sports world were:

* lack of interest
* lack of time
* inadequate transport facilities
* such jobs are for men

In addition, it was found that there are some specific problems faced by girls under the age of 17:

* lack of information
* shortage of suitable facilities and equipment
* lack of transport facilities
* study
* interests change after the age of 12.

Factors that may lead women over the age of 17 to decide not to take part in sporting activities include lack of time, lack of transport, study abroad, pregnancy and other interests. As a result of the recommendations of the conference, more will be done in the future to improve the facilities. In addition, extra emphasis will be placed on sport at school and sport in general.

ARTICLE 11

At the end of 1991 an Interdepartmental Working Group was set up to examine what obstacles to part-time work exist in legislation and to produce detailed proposals for removing these obstacles. In carrying out its duties the working group employed the ILO definition of part-time work, namely "regular, voluntary work carried out during hours distinctly shorter than normal". Although part-time work is not the exclusive preserve of women, it is a fact that many women find it hard if not impossible to combine a full-time job with the child-rearing and household duties which are often, in practice, left to them.

For women who already have a paid job, part-time work can allow them to combine their roles as income-earner and mother more effectively. And for women who are not able to work full-time because of their circumstances, part-time work can in practice be a solution.

The job of the working group is to examine to what extent the existing legislation needs to be modified and what alternatives are available. There are many obstacles to part-time work, such as the lack of adequate provisions in legislation, collective agreements and practice. However, the working group is concentrating on removing the obstacles in legislation.

The introduction of part-time work could serve the following aims:

1. reallocation of work (as part of employment policy);
2. empowerment of women (greater independence);
3. meeting existing needs (including control of wage costs);
4. it is expected that part-time work will also have positive side-effects on policy with regard to the elderly and the disabled.

Part-time jobs will make it easier for women to combine work with their caring and domestic duties and is also expected to be instrumental in bringing about a redistribution of unpaid work. The legal position is based on the principle of proportionality according to the number of working hours (unless this would be contrary to the nature of the scheme). It follows that in principle no distinction will be made simply on the ground that one employee works fewer hours than another.

To ascertain the extent of the demand for part-time work and to gauge the costs resulting from the introduction of part-time work in the public sector, the Central Bureau of Statistics carried out a survey among public servants and department heads working for the national and island governments on Curaçao and Bonaire. As a member of the Interdepartmental Working Group, the Women's Affairs and Humanitarian Issues Section studied the various tables produced by the survey and made the following summary:

1. 53.5% of public servants are men and 46.5% are women.

2. In relative terms, more women than men are prepared to work part-time either now or in the future.
3. Almost 14% of women prepared to work part-time - i.e. a proportion that is almost 5 percentage points higher than in the case of men.
4. A relatively large proportion of female public servants in the 15-44 age group would be willing to work part-time, and the figure is even higher (66%) in the 25-34 age group.
5. Even if account is taken of educational level, there are still differences in attitude to part-time work between men and women. Almost 90% of graduate women would choose part-time work at any given time, compared with 63% of male graduates. At a lower level, almost half of women with a school-leaving certificate at junior general secondary level (ibo/mavo) would choose part-time work either now or in the future, compared with only a quarter of the men.
6. The reason most often given for wanting to work part-time is the difficulty of holding down a job and running a household at the same time. This reason was given by 47% of the women and only 13% of the men.
7. For people who have children at home, the lack of child care facilities is the main reason for wanting to work part-time: 52% of the respondents, compared with 35% in the case of public servants for whom good child care facilities are provided.
8. The desire to have more free time is also a common reason for wanting to work part-time: as many as 25% of men gave this reason, compared with only 15% of women.
9. Another important reason for switching to part-time work is improved working conditions. 16% of men gave this reason, compared with 13% of women.
10. Financial considerations were the reason most commonly given for not wishing to work part-time.

The Government is still considering the results of this survey and wishes to take the findings into account in developing a policy to promote part-time work. Such a policy need not be restricted to the public sector and could also be targeted at the private sector.

Right to free choice of work and career

Special courses and guidance are given to women on welfare to help them develop the different skills (technical and non-technical) that are required in order to join the labour force.

As a part of the Kingdom of the Netherlands, the Netherlands Antilles are bound by the ILO Convention no. 122 concerning employment policy. Freedom of choice of employment is a cornerstone of Antillean labour

relations. The Kingdom of the Netherlands is a party to the European Convention on Human Rights and Fundamental Freedoms, which prohibits all forms of compulsory and forced labour.

Furthermore, the Kingdom of the Netherlands has ratified ILO Conventions no. 29 banning compulsory and forced labour and no. 105 concerning the abolition of forced labour.

Economic development and a gender-segregated labour market

The main sources of income of the economy of the Netherlands Antilles are tourism, offshore financial services, port services, oil refining and trade.

The 1992 population census shows that unemployment in the Netherlands Antilles was 15.3%. Since the unemployment rate was 19.8% in 1990, this represented a drop of 4.5%. The proportion of the female population in the unemployment rate for 1992 was 19.3%.

The general fall in the unemployment rate also signified that more women were in employment. Examples of this are included in the provisional results of the labour force survey carried out in Bonaire and Curaçao in 1994.

Bonaire

The number of job-seekers fell slightly between 1988 and 1994, while the unemployment rate fell from 10.5% to 5.5%. Over the same period the number of women in work rose by 832 to 2,201 (an increase of over 60%) and the number of employed men by 1,106 to 3,416 (an increase of 48%).

Curaçao

The number of job-seekers - both men and women - dipped slightly in 1994. The unemployment rate for women fell from 16.2% in 1993 to 15.0% in 1994 as a result of the increase in the number of working women.

The results of the labour force survey on St Martin have not yet been published.

CBS: first results of 1994 labour force survey

The chief aim of development policy throughout the 1990s will continue to be the promotion of socioeconomic independence. The Antillean authorities are endeavouring to achieve the following objectives:

A. sustainable economic development with an integrated development policy and reduction of the unemployment rate;
B. improvement of the general welfare of the population;
C. strengthening of the institutional infrastructure.

A. Economic development and reduced unemployment rate

The positive developments in the tourist industry and the oil refining sector have created extra jobs. The service sector - particularly tourism-related activities - have largely been responsible for the increase in employment in the Netherlands Antilles and in the greater number of women in the labour market.

* The working population of the Netherlands Antilles is estimated at 87,765 people, of whom 45.11% are women.

TABLE 13

The breakdown of the labour market of the Netherlands Antilles is as follows:

	Total	Men	Women
Labour force	87,765	48,176	39,589
People in work	74,322	42,339	31,983
Job-seekers	13,434	5,828	7,606
Unemployment rate	15.3%	12.0%	19.2%

Source: CBS 1992 Statistical Orientation Census

The number of women in work was higher than in previous years, but socioeconomic circumstances were still the main obstacle to greater participation in the labour market. Since the unemployment rate is higher among women than among men, greater priority should be given to women when formulating policy. Hitherto, any focus on women in labour policy has tended to be very restricted and merely part of a whole.

Measures that could strengthen women's position in socioeconomic life

Social security during unemployment

The Department of Social Affairs of the island territories gives guidance, social aid and unemployment benefits to those that are unemployed or unemployable and in need. The Department is also involved in measures to prevent further social disadvantage and counsels those in need of benefits so that they can become self-sufficient and independent of government aid.

The policy of the Department does not discriminate on the basis of gender in any form. However, most of the Department's clients are women. While acknowledging that the development of women in the Netherlands Antilles has greatly improved in the last decade, the Department nonetheless stresses that this development has not yet benefited all categories of women. Special attention is therefore being paid to the less educated women and to unemployed women and young girls. Projects are being put in place to assist these vulnerable groups. A "Women and Work" Committee will focus above all on women on welfare, in order to ensure that they can acquire the knowledge and develop the skills they need to start projects of their own. The approach is holistic, with all aspects of women's life and the obstacles they face being taken into account.

The Department of Labour and Social Affairs is producing brochures containing clear and simple information about labour law arrangements.

Brochures have already been published on minimum wages in the various island territories, the improper use of short-term employment contracts, the 'cessantia' scheme and the free legal assistance scheme.

Pensions

A number of important amendments have recently been made to the social insurance legislation of the Netherlands Antilles, in particular the Country Ordinances on Old Age Pension (AOV), Widows' and Orphans' Benefits (AWW) and Sickness Benefits (ZV).

AOV makes married women more independent

The situation until the end of 1995 was that a married man obtained a married person's pension on reaching the age of retirement (60) irrespective of the age of his wife. However, a married woman was not generally entitled to old age pension. If she had reached the age of retirement, she received old age pension only if her husband was under the age of 60. This situation was changed in January 1996 in such a way as to make married women independent: from now on everyone reaching the age of retirement has an independent right to old age pension. The amount of the pension is equal to the pension formerly received by single persons.

Another alteration has been the benefit paid on death as a contribution towards funeral costs. This has been increased from three to four months' old age pension.

Transitional arrangements have been made for those categories adversely affected by the new arrangements.

AWW complies with international conventions

The Ordinance on Widows' and Orphans' Benefits (AWW) has been amended in various respects to bring it into line with the international conventions. For some years now the Social Insurance Bank (SVB) has paid widower's and orphan's pension to orphans whose mother is dead and whose father is still alive. In future, orphan's pension will also be payable to children who can show that they have lived as member of the deceased's family. This will bring the law into line with modern views.

The unequal treatment of men and women and of legitimate and illegitimate children in the Country Ordinance on Widow's and Orphans' Benefits (AWW) is also to be ended. At the present the Ordinance does not provide for the possibility of a pension for the widower of a woman insured under the scheme. It is therefore proposed to introduce a widower's pension. The difference between legitimate and illegitimate children will also be terminated.

Sickness benefits scheme extended

Four major amendments have been made to the Country Ordinance on Sickness Benefits (ZV). Previously, only the employee was insured. Since the amendments, which took effect on 1 March 1996, members of the family of insured employees are also included in the insurance package. For this purpose, members of the family are the lawful spouse and the children of the insured employee. Children include legitimate, legitimated, adopted and foster children as well as children living as members of the employee's family. For this insurance, an employee pays a premium of 2.1% of his gross wage. The island territory also contributes 2.1%.

The employee's contribution is deducted at source by the employer, who in turn remits the deducted contribution to the SVB by reference to a return form. In the event of sickness, the SVB pays all costs of medical treatment and nursing as long as there is a medical need for this. Previously, the benefits were payable for a maximum of two years. This two-year limit has now been dropped as a result of the amendment. This has meant a slight increase in the employer's contribution from 8% to 8.3%.

The way in which the contributions have to be paid has also been changed. An employer who is liable to pay contributions need no longer await an assessment from the SVB. Instead he may - or indeed must - file a return himself within 15 days of the end of the month showing the amount paid in wage or salary. At the same time, he must pay the contributions for both the sickness benefits and the accident insurance scheme.

Finally, the discriminatory provision in which married people received 80% of the salary and single people 70% has been abolished. In future, each employee who is unfit for work is entitled to 80% of his or her pay.

Day care

The government authorities do not provide on-site child-care facilities for their employees. However, the island governments subsidise a number of child-care facilities. Such subsidies are conditional, for example on the staff of the facilities meeting certain minimum standards of training.

As part of the process by which women are becoming independent, the Government also intends to study the scope for:

- child care facilities in the workplace
- coordination of working hours and school time
- promoting the participation of women in the labour force through the introduction of flexible working hours, as well as part-time work;
- parental leave, and
- longer maternity leave.

ARTICLE 12

The mortality statistics of the Netherlands Antilles indicate that the main causes of death are chronic degenerative disorders and accidents. In descending order of importance, these are cancer, cardiovascular disease, cerebrovascular disease, perinatal mortalities and accidents. Together these causes of death account for about 65% of all deaths each year. The average gross mortality rate per 100,000 inhabitants in the Netherlands Antilles in the period from 1986 to 1992 was 130 for cancer, 65 for cardiovascular and cerebrovascular disease and 40 for diseases of the respiratory organs.

A population survey conducted on the island of Curaçao in 1993 showed that a higher proportion of women than men suffered from chronic complaints (65.1% compared with 50.5%). The most common disorders/complaints reported by the respondents themselves were hypertension, diseases of the joints, dizziness, chronic backache, and psychosomatic disorders such as stress or depression. People in the lower socioeconomic brackets have significantly more chronic complaints. The incidence of diabetes mellitus among the population is 10.3%. One in five people (more women than men) report having mental problems. There is clear correlation between mental problems and socioeconomic class: the incidence of mental problems in the higher educational and income groups is lower. As regards subjective perceptions of well-being, both men and women reported that they were reasonably satisfied with their own health. Socioeconomic status does not play a role of significance here. The sense of well-being declines with age.

Over half the women were overweight (Body Mass Index (BMI) above 27.3), compared with one third of men. The incidence of obesity among women increases with age. The higher the socioeconomic status, the lower is the incidence of obesity. Women consult their general practitioner, dentist and specialists more frequently than men. This finding agrees with the data on health complaints among women. They are also admitted to hospital more frequently than men, although the difference between the sexes in this respect is not significant.

70% of the people insured in the 'pro paupere' category (people of limited financial means whose medical expenses are borne in full by the government) are women. In the case of the other insurance forms (58.7%), the population is divided equally between men and women. There is a small group of uninsured people (9.2%), the majority of whom are men.

The above data apply only to the island territory of Curaçao. Similar data are still not available for the other island territories.

The costs of health care in the Netherlands Antilles amounted to 10% of GNP in 1990, compared with only 8.4% in 1987. The average cost of health care per inhabitant of the Netherlands Antilles was about ANG 1,400 in 1990, compared with about ANG 1,050 in 1987. The costs of health care per insured person varied in 1990 under the different financing schemes from around ANG 350 to around ANG 2,000.

The national and island governments together bear 70% of the total costs of health care (approx. ANG 180 million in 1990). A greater proportion of the annual island budgets is allocated to health care on the smaller islands (Bonaire, St. Eustatius and Saba) than on the larger islands (Curaçao and St. Martin). This amounts to between 18% and 25% on the smaller islands and between 11% and 18% on Curaçao and St. Martin.

14% of the total costs of health care are allocated to primary health care (general practitioners, district nursing and other services) in the island territory of Curaçao. The 1992 census revealed that there were 6,668 disabled people in the Netherlands Antilles. Of them 3,414 were men and 3,254 were women.

TABLE 14

Number of disabled people in the Netherlands Antilles by age and sex, in 1992

Sex	Age		
	0-29	30-59	>60
Men	928	1236	1250
Women	650	939	1665
Total	1578	2175	2915

Source: Ministry of Health and Environmental Protection
"Care for the Disabled" policy paper, N.A. 1994-2004

There are special facilities for the disabled on all islands of the Netherlands Antilles. Curaçao, the largest island, has the most facilities. These include in-patient facilities for patients with severe mental handicaps or serious physical handicaps, semi-residential facilities in the form of homes for the mentally handicapped and out-patient care in the form of district nursing and services provided by other private organisations, for example day activity centres and day-care centres for children. In addition, there are support facilities (on a limited scale) to enable the disabled to function effectively in society, as for example in education and employment (sheltered workplaces, housing and home adaptations, and transport).

There are also orthopaedic workplaces that provide aids for the disabled. The Social Affairs Department finances special aids for the disabled, such as prostheses, wheelchairs and technical nursing equipment. In order to improve the lot of the disabled, many of whom are in a weak economic position, the government has introduced measures to exempt aids for the handicapped from import duties or assign them to a lower tariff category.

There is still much to be done to improve help to the disabled in general, for example in the fields of education (special education) and employment, in order to give them a better position in society. As far as participation in social life is concerned, society as a whole has tended to become more aware of the problems of the disabled and to display greater acceptance of them in recent years. There is also a perceptible trend towards greater involvement of the disabled themselves in cultural life (for example visits to or participation in cultural (music) events).

Insufficient account is taken of the disabled in the existing infrastructure. Examples are the limited mobility caused by the absence of suitably adapted public transport and pavements, the difficult access to public buildings (stairs and sills) and the absence of adapted lavatories.

The central aspects of the Government's on health are:

- guaranteeing the quality and accessibility of care within the financial scope of the country;
- a balanced spread of facilities, and
- coordination and control of the development of both supply and demand for facilities.

Health care policy will be based on a coherent system of legislation. The policy principles outelined above apply equally to men, women and children in the community.

In anticipation of the introduction of the general medical expenses insurance, a process has been initiated of including members of the family (wife and children) of SVB insured persons in the list of insured persons. Hitherto, this group has been covered by either the 'pro paupere' scheme or private insurance or has not been insured at all.

The authorities have noted that more must be done to provide information about health care. The majority of activities in this field are organised by volunteers or voluntary organisations and are connected with associations that represent the interests of particulars groups of patients (cancer, cardiovascular diseases, diabetes, kidney disease, etc.). The central authorities have recently introduced an intersectoral committee to advise government on a comprehensive policy for health care information and education. Discussions

are also in progress with the educational sector on the inclusion of health care information and education in the educational curriculum as a compulsory subject (under the category of care).

The census data show that women in the Netherlands Antilles over the age of 15 have an average of 2.24 children. On average unemployed women and women who are not part of the labour force tend in all island territories to have a larger number of children than women in work. Similarly, women with little or no education have a larger number of children on average than highly educated women. Women aged 15 and over in the lowest educational category (i.e. with no education) have an average of 3.21 children, compared with an average of 1.01 children for women aged 15 and over in the highest educational category. The official line about birth control is therefore not getting across to women in the lowest socioeconomic classes, even though they have free access to information and contraceptives are provided free of charge by the Family Planning Foundation. Free condoms are supplied to the population through official channels, in cooperation with the Pan American Health Organisation (PAHO), as one of the measures to combat the spread of AIDS. More information is needed on the use of contraceptives and on prevailing attitudes to them.

Abortion is illegal in the Netherlands Antilles, and there are no official data about the scale on which abortion takes place there. However, it can safely be assumed that the number is not low given the limited use of contraceptives in conjunction with a low birth rate.

There are various government and private organisations where women can obtain free or paid advice on pregnancy and motherhood. The most extensive service is provided by the information centre on sexuality and pregancy of the district nursing organisation known as "Neutrale Wijkverpleging" (Infese Foundation), which is attached to the maternity clinic in the island territory of Curaçao. Customers can obtain information and advice free of charge. The centre publishes a series of brochures on a wide range of topics. The brochures use illustrations to explain the different aspects of pregnancy in a very clear way. Among the subjects dealt with are the course of pregnancy, nutrition during pregnancy, antenatal care and breastfeeding. An important feature of the information is that it is given in the local language - Papiamento - since this is better understood (much of the other information available is of foreign origin). A disadvantage of this information is that it is intended first and foremost for the clients of the maternity clinic and does not, therefore, reach all women. The Department of Health and Environmental Protection will distribute the information on the other islands too in cooperation with the Ifese Foundation.

The week of 1-7 August - international breastfeeding week - was introduced as such in the Netherlands Antilles in 1995. The Department of Health and

Environmental Protection is providing support for the Lechi di Mama Foundation, which promotes breastfeeding in the Netherlands Antilles.

In principle, every woman in the Netherlands Antilles is entitled to antenatal examinations during pregnancy. In the case of poor women, the costs of the examinations are borne by the authorities. For various reasons, full use has not been made of this possibility. Presumably, the importance of good antenatal care is not sufficiently recognised in the community. It is also likely that many traditional practices are still observed and that advice is often obtained from older relatives (mothers and grandmothers).

Teenage pregnancies (the 12-19 age group) are increasing. In the 1990-1992 period teenage mothers accounted for 8%-12% of all births in the island territory of Curaçao.

TABLE 15

Number of births to teenage mothers

1991				
age	12-17	18-19	Total	
married	10	30	40	12.90%
single	96	174	270	87.10%
1991 total	106	204	310	10.32%
1992				
age	12-17	18-19	Total	
married	6	19	25	7.46%
single	125	185	310	92.54%
1992 total	131	204	335	12.09%
1993				
age	12-17	18-19	Total	
married	2	19	21	12.92%
single	144	184	328	87.08%
1993 total	146	203	349	12.16%
1994				
age	12-17	18-19	Total	
married	5	12	17	4.72%
single	152	191	343	95.28%
1994 total	157	203	360	12.36%

Source: Department of Health and Environmental Protection

TABLE 16

Births to teenagers in the 1991-1994 period

	1991		1992		1993		1994	
Age	married	single	married	single	married	single	married	single
12	-	2	-	1	-	-	-	-
13	-	-	-	2	-	2	-	2
14	-	7	-	4	-	11	-	8
15	-	16	-	21	-	21	-	30
16	3	27	2	38	2	39	1	46
17	7	44	4	56	-	71	4	66
18	6	83	7	67	9	82	6	85
19	24	91	12	118	10	102	6	106
Total	40	270	25	307	21	328	17	343

Source: Department of Health and Environmental Protection

The perinatal mortality rate per 1,000 live births in the Netherlands Antilles was 14.78 in 1993, compared with 19.74, 23.78 and 25.95 in 1992, 1991 and 1990 respectively. Two reasons often cited for the high rate of perinatal mortality are that women do not seek medical assistance in time (in many cases only after the 34th week of pregnancy) and attend for antenatal examinations only irregularly. The high rate of perinatal mortality is not limited to particular groups, but occurs in all sections of the population. One way in which the quality of antenatal care is being improved is the introduction of the "pregnancy passport" (Sistema Informatico Perinatal (SIP)), in which all particulars of the pregnant woman are recorded from the time of the first antenatal examination. In this way it will be possible to establish a uniform registration system for obstetric care. The Antillean authorities are working in this connection with the Centro Latino Americano de Perinatilogía (CLAP) and the PAHO.

The Municipal Health Services of the island territories issue free milk to mothers of newly born children who are in receipt of benefits (a "PP" card).

As regards violence against women, 16 cases of rape were reported to the police in Curaçao in the first half of 1995, compared with a total of 20 in 1994. There were also 5 cases of acts of indecency with foster children, step-children or pupils in the same period, compared with 2 cases in 1994. 132 cases of physical assaults on women occurred in the first half of 1995, and there were 77 cases of assault involving a firearm. One murder of a woman (by a jealous partner) was reported in the first half of 1995

692 HIV-positive cases were recorded in the Netherlands Antilles prior to July 1995. Of them 396 were men and 296 were women. The cumulative number of AIDS patients in June 1993 was 157, comprising 101 men, 53 women and 3 children. The male/female ratio for AIDS is 1.9.

In 1992 the Government of the Netherlands Antilles issued a policy paper on AIDS policy which stated that priority would be given to the establishment of effective information and prevention programmes. It also emphasised the importance of adequate assistance and care for AIDS patients and encouraging research in support of policy. The need for improving the registration of AIDS cases was also stressed. Prevention programmes are in place on the different islands, and programmes have been established for counselling and the provision of easily accessible testing facilities for the general public (on St. Martin). An AIDS registration system has been introduced nationwide since mid-1995.

TABLE 17

Cumulative HIV-positive cases by island and sex (1986 to July 1995)

Island	Male	Female
Curaçao	242	180
Bonaire	5	3
St. Martin	142	110
St. Eustatius	4	2
Saba	3	1
Total	396	296

Source: Department of Health and Environmental Protection

TABLE 18

Cumulative cases of AIDS in June 1993, by sex

Male	101
Female	53
Infants	3
Total	157
Male/female ratio	1.90

Source: Department of Health and Environmental Protection

ARTICLE 13

Social and economic benefits

Towards the end of November 1994 the draft Country Ordinance on Income Tax was passed by the Parliament of the Netherlands Antilles. This is commonly referred to as the bill to make married working women independent. Although this is indeed an important part of the bill, which became law on 1 January 1995, there are other parts too that are of great importance to taxpayers. These parts are:

A. Application of the married and single persons rate

B. The child allowance scheme

C. The scheme for children in higher education.

In order to prevent a situation in which women leave the labour market early, the Country Ordinance on Income Tax 1943 (P.B. 1956, No. 9) and the Country Ordinance on Wages and Salaries Tax 1976 (P.B. 1975, no. 254) have been amended. The Netherlands Antilles had a system for levying tax on the joint income of a married couple. This system has now been replaced by one under which tax is levied independently on the earned income of a married woman. Generally speaking, the higher her earned income the more advantageous is this system to the woman concerned. Many married women have a job outside the home. As their income from this work is aggregated with that of their husband before income tax is levied, they earn a good deal less - after deduction of income tax at the progressive rates - than their single colleagues who perform identical work. For budgetary reasons it has been decided to introduce the new system in stages. This means that the tax position of married women regarding earned income will become fully independent only in four year's time, i.e. in 1998.

There is no perceptible discrimination in the provision of financial credit. However, there is a lack of incentives such as subsidies for women wishing to start their own business.

ARTICLE 15

Legal equality

Reference is made here to the remarks in the first report.

ARTICLE 16

In April 1995 the 'Sentro pa Desaroyo di Hende Muhe' (SEDA) submitted a proposal to the Parliament of the Netherlands Antilles for an amendment to the Civil Code of the Netherlands Antilles in the area of family law and the law of persons which would enable the courts to determine paternity. One of the aims of the proposal is to remove a major basis for the existing discrimination against illegitimate children whose paternity has not been acknowledged. Their disadvantage in relation to legitimate children and children whose paternity has been acknowledged is currently reflected in such matters as the entries on the child's birth certificate, succession law and the duty of maintenance. In addition to the legal consequences of the existing distinction, the present situation has far-reaching social effects on the children in question, which have to get by without being part of the family life of the natural father. The relevant bill is still being considered by Parliament.

The New Civil Code Commission is currently tackling the subject of family law and the law of persons, and will cover the aspects connected with marriage. In other respects, reference should be made to the observations made in the first report.